

Title	<b>Civil Case Cover Sheet</b> (amend Cal. Rules of Court, rule 982.2)
Summary	Rule 982.2 on civil case cover sheets would be amended to clarify that, in the event of failure to file a proper cover sheet with the first paper, the clerk must file the paper. The amended rule would further provide that, if a party fails to file a proper cover sheet after service of notice, the court may issue an order to show cause regarding sanctions or dismissal.
Source	Civil and Small Claims Advisory Committee
Staff	Patrick O'Donnell, Committee Counsel (415-865-7665).
Discussion	<p>Rule 982.2 requires a party filing a first paper in an action or proceeding to file a case cover sheet. The rule is currently unclear about the consequences of failure to file a cover sheet. Court clerks have sometimes rejected first papers for filing because of the absence of a proper cover sheet. But this practice has been disapproved. See <i>Maginn v. City of Glendale</i> (1999) 72 Cal.App.4th 1102, 1106 (“the clerk, especially upon being informed that immediate filing of the complaint and issuing of summons were necessary to satisfy the applicable limitations statute, should have filed the complaint and issued summons . . . , and simply required counsel to provide the cover sheet later”).</p> <p>Rule 982.2 would be amended to clarify how the failure to file a case cover sheet with a first paper would be treated. The amended rule would provide that, if a party fails to provide a proper case cover sheet at the time the party’s first paper is submitted for filing, the clerk must file the paper. The amended rule would further provide that, if a party fails to provide a proper case cover sheet within 10 days after notice, the court may issue an order to show cause why sanctions should not be imposed or the case dismissed. These amendments to rule 982.2 are intended to provide greater certainty and protect litigants from being deprived of the right to file pleadings, while at the same time ensuring that the information contained in the case cover sheets will be provided to the courts.</p> <p>Rule 982.2 has also been revised to reflect the policy of using plain language in the rules, including the use of “must” rather than “shall.”</p>
Attachment	

## PROPOSAL

Rule 982.2 of the California Rules of Court would be amended, effective January 1, 2002, to read:

1 **Rule 982.2. Case cover sheet required**

2  
3 (a) **[Cover sheet required]** The first paper filed in an action or proceeding ~~shall~~  
4 must be accompanied by a case cover sheet as required in ~~subdivision (b)~~. The  
5 cover sheet ~~shall~~ must be on a form prescribed by the Judicial Council and  
6 ~~shall~~ must be filed in addition to any cover sheet required by local court rule.  
7 If the plaintiff indicates on the cover sheet that the case is complex under rule  
8 1800 et seq., the plaintiff ~~shall~~ must serve a copy of the cover sheet with the  
9 complaint. In all other cases, the plaintiff is not required to serve the cover  
10 sheet. The cover sheet ~~shall be~~ is used for statistical purposes and may affect  
11 the assignment of a complex case.

12  
13 (b) \* \* \*

14  
15 (c) **[Failure to provide cover sheet]** If a party that is required to provide a cover  
16 sheet under this rule or a similar local rule fails to do so or provides a defective  
17 or incomplete cover sheet at the time the party's first paper is submitted for  
18 filing, the clerk of the court must file the paper. If a party fails to file a proper  
19 cover sheet within 10 days after service of notice of failure to file a cover  
20 sheet, the court may issue an order to show cause why sanctions should not be  
21 imposed or the action dismissed.